BOOK 10 PAGE 475

"PETITION TO TAKE TESTIMONY"

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NO. 18097 EQUITY

HESBIA C. FOSTER, 1/A
ACME CONSTRUCTION COMPANY
COMPLAINANT

IN THE CIRCUIT COURT FOR

V5.

FREDERICK COUNTY, IN EQUITY.

HAZEL CALDWELL, widow, EL. AL. DEFENDANIS

10 THE HONORABLE, THE JUDGES OF SAID COURT:

The Petition of Hesbia C. Foster, T/A Acme Construction Company, By W. Jerome Offutt, his Solicitor, respectfully shows unto your Honorable Court:

FIRST: That the Bill of Complaint was filed in this cause on May 9, 1955.

SECOND: That an Order of Publication was published in "The Frederick Post"

a Newspaper published in Frederick County, once a week for four successive weeks

prior to the 9th day of June, 1955, commanding the Defendants, Wilbur Johnson,

Irving Johnson, Emanuel W. Johnson and Ruth Johnson, his wife, Fannie Griffin

and Henry Griffin, her husband, James Johnson, Anna Johnson, Thena Johnson,

Ruth Johnson and Hazel Maclver, to appear in this Court, either in person or

by Solicitor, before the 25th day of June, 1955, as will appear by a Certificate

of Publication filed herewith and marked "Exhibit B."

THIRD: That the Defendants, Nina Brown, John Roger Johnson and Alice Johnson, his wife, were duly summoned to appear on the first Monday of June, 1955.

FOURTH: that the said Defendants have failed to appear either in person or by Solicitor within the time allowed by law and the Plaintiff desires to take testimony to support the allegations of the Bill of Complaint.

TO THE END, THEREFORE:

- 1. That the Bill of Complaint be taken Pro Confesso against the said Defendants.
- 2. That the Plaintiff be permitted to take testimony to support the allegations of the Bill of Complaint before one of the standing Examiners of this Court.

And as in duty bound, etc.

Solicitor for Complainant

W. JEROME OFFUTT ATTORNEY AT LAW FREDERICK, MD.